

STATE OF NEW MEXICO

BEFORE THE SECRETARY OF ENVIRONMENT

NEW MEXICO ENVIRONMENT
DEPARTMENT RESOURCE
PROTECTION DIVISION,

Case No. SWB 20-01 (CO)

Complainant,

v.

BL SANTA FE, LLC,

and

HRV HOTEL PARTNERS, LLC

Respondents.

RESPONDENT BL SANTA FE, LLC'S NOTICE OF EXPECTED WITNESSES

Respondent BL Santa Fe, LLC ("BL Santa Fe") and submits its Notice of Expected Witnesses pursuant to 20.1.5.300(B) NMAC and the Amended Scheduling Order dated November 23, 2021.

1. Jim Spehar (2985 Plaza Azul, Santa Fe, New Mexico 87507; Jim@JimSpehar.com; 505-660-7981), former manager of the Bishops Lodge Wastewater Treatment Plant under its prior ownership by Respondent HRV. Mr. Spehar is expected to testify regarding modifications to the plant, material excavated as part of the modifications, communications with officials from the Pueblo of Pojoaque (the "Pueblo") regarding the subject disposal, transportation of the material to what is commonly known as the Buffalo Thunder pit on Pueblo lands, and prior disposals to the Buffalo Thunder pit.

2. Almicar Henriquez (address unknown, will supplement when known; 970-987-3290), the former property manager at BL Santa Fe under its prior ownership by Respondent HRV. Mr. Henriquez is expected to testify regarding the transportation of the material to the Buffalo Thunder pit.

1 3. Mark Massey (address unknown, will supplement when known), who was
2 formerly employed by BL Santa Fe under its prior ownership by Respondent HRV. Mr. Massy
3 is expected to testify regarding communications with officials from the Pueblo regarding the
4 subject disposal.

5 4. Michael Sheppard (112 West San Francisco Street, Suite 310, Santa Fe, New
6 Mexico 87501; michael@hollanddevco.com; 505-515-1850), who oversaw development at
7 Bishops Lodge under its prior ownership by Respondent HRV, including modifications to the
8 plant. Mr. Sheppard is expected to testify regarding modifications to the plant, material
9 excavated as part of the modifications, communications with officials from the Pueblo regarding
10 the subject disposal, and invoicing by the Pueblo for the subject disposal.

11 5. Margie Holland (112 West San Francisco Street, Suite 310, Santa Fe, New
12 Mexico 87501; margie@hollanddevco.com; 770-709-8851), who oversaw accounting and
13 bookkeeping of Bishops Lodge under its prior ownership by Respondent HRV. Mrs. Holland is
14 expected to testify regarding invoicing by the Pueblo for the subject disposal and
15 communications with officials of the Pueblo regarding the invoicing.

16 6. Richard Holland (112 West San Francisco Street, Suite 310, Santa Fe, New
17 Mexico 87501; Richard@hollanddevco.com; 770-709-8844), who was the manager of
18 Respondent HRV, the former owner of Bishops Lodge during the relevant time periods. Mr.
19 Holland is expected to testify regarding modifications to the plant, material excavated as part of
20 the modifications, communications with officials from the Pueblo regarding the subject disposal,
21 and invoicing by the Pueblo for the subject disposal.

22 7. One or more representatives of EBI Consulting, including, but not limited to
23 Chad Bechtel and Bruce Speidel (21 B. Street, Burlington, Massachusetts 01803;
24 cbechtel@ebiconsulting.com; bspeidel@ebiconsulting.com; 781-273-2500), who are
25 environmental consultants expected to inspect the Buffalo Thunder pit on December 29, 2021
26 for purposes of analyzing the materials Bishops Lodge disposed at the site and other materials
27 disposed at the site, including evaluating site conditions and possibly opining on remediation
28 and removal.

1 8. Chris Kaplan (c/o Snell & Wilmer LLP), who is the Director of Asset
2 Management for Juniper Investment Advisors, the current owner of BL Santa Fe and Bishops
3 Lodge. Mr. Kaplan is expected to testify regarding the change in ownership of BL Santa Fe,
4 that neither Juniper, nor any of its owners or operators, directed or were otherwise involved in
5 any of the events, occurrences, and transactions that form the basis of the Compliance Order,
6 and the prior owners and operators of BL Santa Fe did not disclose the existence of the
7 Compliance Order prior to Juniper's acquisition of BL Santa Fe, all of which pertains to the civil
8 penalties and BL Santa Fe's defenses in the Amended Answer.

9 9. William Garcia (92 County Road 84, Apartment B, Santa Fe, New Mexico
10 87506; willigarcia90@yahoo.com; 505-919-9478), who was the Director of Tribal Works for
11 the Pueblo at the time of the subject disposal. Mr. Garcia is expected to testify regarding his
12 appointment by the Governor of the Pueblo to that position, his authority as Director of Tribal
13 Works, his communications with representatives of BL Santa Fe accepting the disposal at issue,
14 his authority on behalf of the Pueblo to accept materials for disposal, the issuance of the
15 Certificate of Disposal to BL Santa Fe, the Pueblo's invoicing for the subject disposal, his
16 communications with officials of the Pueblo regarding the disposal, and other material disposed
17 of at the Buffalo Thunder pit.

18 10. Alyn Martinez (27 Tribal Works Road, Santa Fe, New Mexico 87506; 505-455-
19 3383), who is believed to have been the Director of Tribal Works for the Pueblo prior to Mr.
20 Garcia. Mr. Martinez is expected to testify about other waste accepted by the Pueblo for
21 disposal at the Buffalo Thunder pit.

22 11. Randy Vigil (27 Tribal Works Road, Santa Fe, New Mexico 87506;
23 rvigil@pojoaque.org), who is the current Director of Tribal Works for the Pueblo. Mr. Vigil is
24 expected to testify about other waste accepted by the Pueblo for disposal at the Buffalo Thunder
25 pit.

26 12. Janay Chavarria (27 Tribal Works Road, Santa Fe, New Mexico 87506;
27 jchavarria@pojoaque.org; 505-455-3383 x108), who is believed to have been the office manager
28 for Pueblo Tribal Works at the time of the disposal and who invoiced BL Santa Fe for receipt of

1 the material. Ms. Chavarria is expected to testify regarding her communications with BL Santa
2 Fe and the Pueblo regarding the subject disposal, and invoicing for disposals at the site,
3 including the subject disposal.

4 13. Kevin Romero (27 Tribal Works Road, Santa Fe, New Mexico 87506; 505-455-
5 3383), who currently operates the Pueblo's Wastewater Treatment Plant and is believed to have
6 operated the Pueblo's Wastewater Treatment Plant at the time the Pueblo accepted the material
7 at issue from Bishops Lodge for disposal. Mr. Romero is expected to testify regarding his
8 communications with Mr. Garcia during and after the Pueblo received the material from Bishops
9 Lodge for disposal, his evaluation of the testing provided by BL Santa Fe of the material for
10 disposal, and the operation and condition of the Pueblo's plant, which is believed to be directly
11 adjacent to the Buffalo Thunder pit.

12 14. One or more representatives of Advanced Environmental Solutions, Inc. ("AES")
13 (2318 Roldan Drive, Belen, New Mexico 87002), including Andy Saiz, who was retained by the
14 Pueblo to estimate remediation at the Buffalo Thunder pit and generated Proposal # 180628AS.
15 One or more representatives of the AES are expected to testify regarding any inspections or
16 analysis conducted with respect to the Buffalo Thunder pit and waste, and its Proposal,
17 including any communications with the Pueblo.

18 15. One or more representatives of the Environmental Protection Agency ("EPA")
19 (Region 6 Address: 1201 Elm St, Dallas, TX 75270, Phone: (800) 887-6063 and Region 9
20 Address: 75 Hawthorne St., San Francisco, CA 94105), who is believed to have investigated the
21 Buffalo Thunder pit location and the Pueblo's historical use of that location for disposals. One
22 or more representatives of the EPA are expected to testify regarding the EPA's investigations
23 and communications of the Pueblo.

1 DATED this 22nd day of December, 2021.

2 SNELL & WILMER L.L.P.

3 

4 By: _____

5 Gregory J. Marshall
6 One Arizona Center
7 400 E. Van Buren
8 Phoenix, Arizona 85004-2202
9 Telephone: 602.382.6514
10 Email: gmarshall@swlaw.com

11 *Counsel for Respondent BL Santa Fe, LLC*

CERTIFICATE OF SERVICE

I certify that on this 27th day of December, 2021, a copy of the foregoing BL Santa Fe, LLC's Notice of Expected Witnesses was served via first class mail and email to the following:

Madai Corral
Office of Public Facilitation
New Mexico Environment Department
1190 St. Francis Drive, Santa Fe, New Mexico 87505
Madai.corral@state.nm.us

Hearing Clerk

Christopher Atencio
Assistant General Counsel
Legislative & Policy Legal Analyst
New Mexico Environment Department
Office of General Counsel
121 Tijeras Ave. NE
Albuquerque, NM 87102
christopher.atencio@state.nm.us

Counsel for the New Mexico Environment Department

Richard Holland
Holland Development Company
(fka HRV Hotel Partners, LLC)
112 West San Francisco, Suite 310
Santa Fe, NM 87501
richard@hollanddevco.com

Michael Sheppard
Holland Development Company
(fka HRV Hotel Partners, LLC)
112 West San Francisco, Suite 310
Santa Fe, NM 87501
michael@hollanddevco.com

